

REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 19-36 are pending in the application. Claims 1-18 were previously cancelled without prejudice or disclaimer.

Claims 23, 27 and 32 are amended to more clearly define the invention. The change(s) to claim(s) 23, 27 and 32 broaden the scope of these claims and, therefore, the change(s) are not narrowing amendment(s).

Claims 19-36 stand rejected under 35 USC 103 as obvious over Guillorn et al. ("Fabrication of gated cathode structures using in situ grown vertically aligned carbon nanofiber as a field emission element", Journal of Vacuum Science Technology) in view of Spindt (US 5,235,244). This rejection is untenable because the Spindt reference teaches away from the claimed invention.

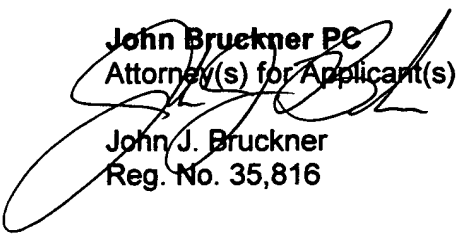
All of the sections of the Spindt reference cited at page 3 of the Office Action relate to figure 1 of Spindt. However, figure 1 of Spindt is described within Spindt itself as prior art. It is important to understand that when read as a whole the Spindt reference teaches that it is an improvement to omit the focusing electrode 34. Therefore, even if the teachings of Guillorn were to be modified by the teachings of Spindt as urged by the Examiner, the resulting amalgamation would not include 1) the claimed focusing electrode and consequently 2) the another aperture substantially aligned with the substantially vertically aligned carbon nanostructure. The claimed invention is not disclosed or suggested by Guillorn in view of Spindt because the Spindt reference explicitly teaches omitting 1) the claimed focusing electrode and consequently 2) the another aperture substantially aligned with the substantially vertically aligned carbon nanostructure.

Accordingly, withdrawal of this rejection is respectfully requested.

Other than as explicitly set forth above, this reply does not include acquiescence to statements in the Office Action. In view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. The Examiner is invited to telephone the undersigned (at direct line 512-394-0118) for prompt action in the event any issues remain that prevent the allowance of any pending claims.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,


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